

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 28, 1999

DIVISION ONE

B128995 In re Lisa Brown (Not for Publication)
 on
 Habeas Corpus

We deny the writ.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B126301 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Deborah G.

We affirm the order terminating mother's parental rights.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B126731 People (Not for Publication)
 v.
 Rodriguez

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B117004 Barkowski (Not for Publication)
v.
City of Los Angeles

We reverse the judgment and order judgment entered for defendants. Defendants are awarded their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B128646 Clavin, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Moadeb, et al., r.p.i.)

Let a peremptory writ of mandate issue (1) compelling the trial court to grant Clavin's request for a jury trial concerning the facts relevant to Moadeb's statute of limitations defense, and (2) compelling the trial court to vacate its orders compelling Clavin to either relinquish his right to a jury trial or abandon his claims for equitable remedies. Clavin is awarded his costs of these writ proceedings.

Vogel (Miriam A.), J.

I concur: Masterson, J.
I dissent: Ortega, Acting P.J. (Opinion)

B127195 People (Not for Publication)
v.
Rognlie

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B115922 Spangler et al. (Not for Publication)
 v.
 Williams et al.

We reverse the judgment. We remand the case for the trial court to enter judgment for LAPD, which is entitled to its costs on appeal. Because of our ruling, we need not address LAPD's other grounds urged in support of reversal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B125725 County of Los Angeles (Not for Publication)
 v.
 Issaian

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B109717 Hi Chin Y. et al. (Not for Publication)
 v.
 Beverly Enterprises

The order granting a conditional new trial is stricken as void. The judgments are affirmed. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

DIVISION ONE (Continued)

B111195 Levy (Not for Publication)
v.
American Honda Motor Co.

The order granting plaintiff's motion to strike is reversed. The trial court is directed to reconsider defendant's memorandum of costs and the motion to strike the memorandum of costs/tax costs to determine what costs properly are awarded in a manner consistent with the views expressed herein.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Zebrowski, J., Mallano, J. (Assigned), and G. Villanueva, Deputy Clerk.

Each of the following:

B122981 People v. Bello
B122460 People v. Tucker
B121105 People v. Holloway
B126619 People v. Davis
B121509 People v. Esquivel
B122812 People v. Valle
B130110 Anna L. V. S.C.L.A.
B122138 People v. Fawkes
B130112 Sheila v. S.C.L.A.
B126346 People v. Murrell
B127085 People v. Piper
B123859 People v. Mateem
B122489 People v. Henderson
B126337 People v. Luna
B122817 People v. Gonzales
B130643 Jose L. v. S.C.L.A.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B126885 Sexton
 v.
 Bally Total Fitness Corp.

Merits:
Argued by David Cornwell for appellant and by Anthony Ellrod for respondent. Cause submitted.

B126006 Torab
 v.
 City of Santa Monica et al.

Merits:
Argued by Kenneth Kutcher for appellant and by Cora Silver and Jonathan Horne for respondents. Cause submitted.

B116524 Marshall
 v.
 Ma

Merits:
Argued by Richard Greenberg for appellant and by Mark Musto for respondent. Cause submitted.

B124899 Bowen
 v.
 W.C.A.B.
 (Florida Marlins, r.p.i.)

Merits:
Argued by Kirby Thomas for petitioner and by Robert Wills for respondent. Cause submitted.

Court Adjourned.

DIVISION TWO (Continued)

B116583 Martinez et al. (Not for Publication)
 v.
 Southern California Edison

The judgment is affirmed. Parties to bear their own costs.

Zebrowski, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B117032 The People (Not for Publication)
 v.
 Tran et al.

The Court:

Appellant Vinh Nhu Tran's judgment of conviction for carjacking (count2) is reversed. As to his conviction of robbery (count 4), the judgment is modified to stay execution of sentence, with the stay to become permanent upon completion of the service of the sentence as to the conviction of kidnapping during the commission of carjacking (count 3). In all other respects, the judgment as to appellant Tran is affirmed. The judgment against appellant Hung Q. Nguyen is reversed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B119235 Vasquez et al. (Not for Publication)
 v.
 City of Bell Gardens et al.

The judgment is affirmed. Respondents to recover their costs.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

For the foregoing reasons, we modify the judgment to: (1) direct that the two five-year enhancements pursuant to Penal Code section 667, subdivision (a)(1) run consecutive to the 25-year minimum period of incarceration; and (2) impose and suspend a fine in the sum of \$1,000 pursuant to Penal Code section 1202.45. As modified, we affirm the judgment. The superior court is directed to prepare an amended abstract of judgment which reflects these modifications.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B125480 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Altamease G.

The matter is remanded to the trial court for entry of an order granting appellant de facto parent status as to her grandchildren Da'Shanay and Erica. In all other respects, the order appealed from is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

B125712 Southern California Intervenors et al. (Not for Publication)
v.
Speedee Oil Change Systems et al.

The judgment is reversed. Plaintiffs are to recover their costs on appeal, jointly and severally, from defendants, Gary L. Copp and Kevin M. Bennett.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B125023 Poole (Not for Publication)
v.
Poole

The order is reversed. Respondent is to bear the costs of appeal.

Armstrong, J.

I concur: Turner, P.J.
I dissent: Grignon, J.(Opinion)

May 28, 1999-Continued

DIVISION FIVE (Continued)

B091754 People (Not for Publication)
v.
Scott Breverman

The judgment is affirmed.

Turner, P.J.

I concur: Grignon, J.
I dissent: Armstrong, J.(Opinion)

DIVISION SIX

B118435 Strange (Not for Publication)
v.
Burnap

The judgment is affirmed. Costs to respondent.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.